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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,425	07/09/2001	Stephen J. Chudzik	9896.139.3	8756
22859	7590	11/25/2003	EXAMINER	
INTELLECTUAL PROPERTY GROUP			WEBMAN, EDWARD J	
FREDRIKSON & BYRON, P.A.			ART UNIT	
4000 PILLSBURY CENTER			PAPER NUMBER	
200 SOUTH SIXTH STREET			1617	
MINNEAPOLIS, MN 55402			DATE MAILED: 11/25/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

The reply filed on 4/22/03 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In the election of medicaments over claims 58-59 applicants must elect one ultimate species considering claims 58-59 as one Markush Group. Applicants instead elected two species, nucleic acid from claim 58 and vancomycin from claim 59. Do applicants elect nucleic acid or vancomycin? See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Similarly, in the election of surfaces over claims 77-78, applicants elected ethylene vinyl acetate from claim 77 and stainless steel from claim 78. Do applicants elect the former or the latter as the one ultimate species to be searched?

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Webman whose telephone number is (703) 308-4432. The examiner can normally be reached on Monday to Friday 9 Am 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Padmanabhan can be reached on (703) 305-1877. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3592 for regular communications and (703) 305-3592 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Webman/LR

July 15, 2003



EDWARD J. WEBMAN
PRIMARY EXAMINER
GROUP 1500